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July 23, 2013

*VIA ECFS*

Marlene Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re: *Ex Parte* Filing on XO Communications Services, LLC's Objection to Verizon's Invocation of the Limited Waiver and Special Temporary Authority Granted in the Order Issued in the Matter of Petition of Bellsouth Corporation for Special Temporary Authority and Waiver to Support Disaster Planning and Response and Request for a Cease and Desist Order, WC Docket No. 06-63 and RM-11358, July 1, 2013 ("Objection")**

Dear Ms. Dortch:

On Friday, July 19, 2013, Lisa Youngers of XO Communications Services, LLC ("XO"), and Thomas Cohen and Edward A. Yorkgitis, Jr., Kelley Drye & Warren, LLP, Counsel for XO (collectively, the "XO representatives"), met with the following staff from the Wireline Competition Bureau: Lisa Gelb, William Dever, Tim Stelzig, Rodney McDonald, Elizabeth McIntyre, John Visclosky, and (via telephone) Heather Hendrickson. The purpose of the meeting was to discuss XO's concerns about the current approaches to addressing damage to copper loop facilities in the wake of natural disasters and man-made emergencies.

The XO representatives began the meeting by reviewing the events impacting the availability of copper loops out of the 104 Broad Street and 140 West Street central offices of Verizon in New York City in the wake of Hurricane Sandy, which hit New York on October 29, 2012, as set forth more fully in XO's July 1, 2013, Objection referenced in the subject line above. They then provided an update on the status of the end users that XO had served out of those two end offices using Verizon-provided copper loops. They also discussed that following the storm, Verizon provided inconsistent communications about the status of the copper loop plant and the provision of facilities for XO's end user customers, as detailed more fully in the Objection. The XO representatives next reiterated the request made in XO's Objection for an investigation of Verizon's communications and actions in the wake of the storm with respect to the two central offices identified above and a cease and desist order preserving the status quo of copper facilities in these same offices.

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After discussing the issues arising from the Hurricane Sandy situation, the XO representatives turned to their general policy concern. They stressed that the situation presented by damage to copper caused by a natural disaster or man-made emergency is fundamentally different than a scenario involving planned copper retirement and replacement. Unlike a "typical" copper retirement situation, prior to such a disaster or emergency in an area where an incumbent local exchange carrier ("ILEC") has not announced, and does not currently have, plans to retire copper in that area, both the ILEC and any wholesale customers have every expectation that the copper will continue to be available for the foreseeable future for use by competitors on an unbundled basis. Accordingly, the general copper retirement rules are inapt to the emergency situation, and the Commission needs to adopt an approach to the availability of ILEC unbundled loops specifically tailored to damage to this plant arising from natural disasters and man-made emergencies where no plans exist for copper retirement. XO advocated that, in a post-emergency situation, an affected ILEC either continue to make available copper loops (using new copper if necessary) or provide fiber facilities or services enabling equivalent throughput to that obtained or which could have been obtained by competitors using copper (and at a net price equivalent to that of the requisite number of unbundled copper loops).

This notice is being filed in the above-referenced proceedings according to the Commission's rules regarding *ex parte* presentations.

Sincerely,



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cc: Lisa Gelb  
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